REMARKS

The Office Action of December 24, 2008, has been carefully reviewed. The Applicants respectfully request the Examiner to reconsider the rejections and allow the pending claims in view of the following remarks.

Claims 1, 2, 4-11, 13 and 15-28 are pending. Claims 23-25 are withdrawn from consideration. Claims 1, 2, 4-11, 13, 15, and 20-22 stand rejected. Claims 1 and 11 are hereby amended.

Allowable Subject Matter

The Examiner indicates that Claims 16-19 and 26-28 are allowable. Applicants thank the Examiner for the allowance of these Claims.

Rejection of Claims

Claims 1, 2, 6 and 10 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent Number 6,394,359 issued to Arthur Morgan (hereinafter referred to as "Morgan"). According to MPEP § 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Morgan clearly does not teach each and every element of amended independent claim 1. Specifically, Morgan fails to teach or disclose controlling the temperature in response to a temperature sensed by the thermostat at which the Control Here switch actuator has been most recently actuated, which is required by claim 1 as hereby amended. Morgan discloses communication between base unit 10 and remote control unit 15 for the purpose of communicating a temperature setpoint from the remote control unit 15 to the base unit 10. However, Morgan simply does not disclose communicating a temperature sensed by remote temperature sensor 130

of remote control unit 15 to base unit 10. Instead, the "remote temperature sensor 130 is provided to allow the user to determine the ambient temperature around the remote control unit 15 as an aid to determining the correct setpoint" which the user must then manually set using remote temperature control pushbuttons 120. (See column 5 lines 66-67 and column 6 lines 16-19, and Figures 3-4).

The amendments of claim 1 are fully supported by the specification of the present application at least at paragraph [0027] where it is stated that operation of the HVAC unit 62 meets the temperature demands of the thermostat which is in the "Control Here" mode (see Figure 3). Similarly, the amendments of claim 1 are fully supported by the specification of the present application at least at paragraph [0031] where it is stated that "the temperature setting which controls the operation of the HVAC unit 62 may be that which is sensed by any one of the thermostats 26 if that thermostat is actuated to control the temperature from the location of that thermostat." Accordingly, in view of the amendments, Applicants assert that claims 1, 2, 6 and 10 are in condition for allowance.

Claim 7 stands rejected under 35 USC §103(a) as being unpatentable over Morgan in view of U.S. Patent Number 5,348,078 issued to Dushane, et al (hereinafter referred to as "Dushane"). The Examiner relies on Morgan as teaching all of the limitations of claim 7 except for a Daylight Savings Time switch actuator. The Examiner states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Morgan with a Daylight Savings Time switch actuator in view of Dushane. However, claims 7 depends from independent claim 1 which requires controlling the temperature in response to a temperature sensed by the thermostat at which the Control Here switch actuator has been most recently actuated. As discussed above, the Applicants assert that Morgan does not teach or disclose controlling the temperature in response to a temperature sensed by the thermostat at which the

Control Here switch actuator has been most recently actuated. Further, after careful review of Dushane, Applicants find no mention of even a single thermostat with either a Daylight Savings Time icon or a Daylight Savings Time switch actuator capable of adjusting the time during Daylight Savings time periods as were asserted as disclosed by the Examiner (see Figure 12a and column 11 lines 33-35). Accordingly, the Applicants assert that claim 7 is in condition for allowance.

Claims 4, 5, 8, 9, 11, 13, 15, 21 and 22 stand rejected under 35 USC §103(a) as being unpatentable over Morgan in view of U.S. Publication No. 2003/0050737 of Robert Osann, Jr. (hereinafter referred to as "Osann"). The Examiner relies on Morgan as teaching all of the limitations of claims 4, 5, 8, 9, 11, 13, 15, 21 and 22 except for using an average temperature and a clock in the system. The Examiner states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Morgan with an average temperature selection and clock in view of Osann. However, claims 4, 5, 8, and 9 depend from independent claim 1 which requires controlling the temperature in response to a temperature sensed by the thermostat at which the Control Here switch actuator has been most recently actuated. As discussed above, the Applicants assert that Morgan does not teach or disclose controlling the temperature in response to a temperature sensed by the thermostat at which the Control Here switch actuator has been most recently actuated. Accordingly, the Applicants assert that claims 4, 5, 8, and 9 are in condition for allowance.

With regard to claims 11, 13, and 22, the Morgan-Osann combination fails to teach or disclose actuating a Control Here switch actuator of a thermostat to cause the air conditioning system to satisfy a temperature setpoint of the thermostat in response to a temperature sensed by the thermostat, which is required by claim 11 as hereby amended. Accordingly, the Applicants assert that claims 11, 13, and 22 are in condition for allowance.

With regard to claim 15, the Morgan-Osann combination fails to teach or disclose "sensing temperatures in said enclosed spaces by respective ones of said multiple thermostat" and "communicating the sensed temperatures between selected ones of said multiple thermostats," both of which are required by claim 15. As mentioned above, Morgan discloses communication between base unit 10 and remote control unit 15 for the purpose of communicating a temperature setpoint from the remote control unit 15 to the base unit 10. However, Morgan simply does not disclose communicating a temperature sensed by remote temperature sensor 130 of remote control unit 15 to base unit 10. Instead, the "remote temperature sensor 130 is provided to allow the user to determine the ambient temperature around the remote control unit 15 as an aid to determining the correct setpoint" which the user must then manually set using remote temperature control pushbuttons 120. (See column 5 lines 66-67 and column 6 lines 16-19, and Figures 3-4). Further, Osann discloses computing an average temperature using a distributed temperature data collection mechanism. However, Osann does not accomplish computing the average temperature using multiple thermostats as required by claim 15. Instead, Osann teaches distributing a plurality of temperature sensors 56, 57 that communicate with a single smart thermostat 55 that computes the average temperature. (See paragraphs [0133]-[0135]). Accordingly, the Applicants assert that claim 15 is in condition for allowance.

With regard to claim 21, the Morgan-Osann combination fails to teach or disclose "sensing temperatures in said enclosed spaces by respective ones of said multiple thermostats" and "communicating the sensed temperatures between selected ones of said multiple thermostats," both of which are required by claim 21. For the same reasons set forth above with regard to the rejection of claim 15 over the Morgan-Osann combination, the Applicants assert that claim 21 is in condition for allowance.

Claims 1 and 2 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent Number 5,566,879 issued to Pierre Longtin (hereinafter referred to as "Longtin"). The Examiner states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to install primary thermostats in every room in order to be able to SET the temperature of every room in the house. The Applicants submit that the Examiner has misconstrued the systems and methods disclosed by Longtin. Most generally, it should be appreciated that Longtin discloses that one or more primary thermostats 2 can SET, from a single point in a house, the individual set temperatures of secondary thermostats 3 that are associated with different rooms. Further, the primary and secondary thermostats 2, 3 each control a temperature varying device such as electric baseboards 4 to control the ambient temperature local to the individual thermostats 2, 3 to reach their respective and individual temperature set temperatures. Accordingly, Applicants submit that Longtin does not disclose the limitations relied upon by the Examiner.

Specifically, Longtin does not disclose controlling an air conditioning unit "in accordance with the temperature setpoint at the thermostat at which the Control Here switch actuator has been most recently actuated," as required by claim 1. Instead, Longtin discloses controlling a plurality of electric baseboards 4, with each baseboard 4 being controlled by a thermostat (and that thermostat's local temperature sensor) that powers the baseboard. (See column 8 lines 18-62). In no case does Longtin disclose a baseboard 4 being controlled by any thermostat's temperature set point other than the thermostat by which the baseboard is powered. Longtin states that "the advantage of this function [remotely setting temperature setpoints from a primary thermostat] is to permit the user to configure all other thermostats from a central point of the house since the majority of users do not bother to change the set temperatures for the day, for the night and when they leave their homes which they should do for each thermostat in order to save energy." (See

column 11 lines 32-37). Further, Longtin does not disclose or obviate controlling a temperature in response to a temperature sensed by the thermostat at which the Control Here switch actuator has been most recently actuated. In other words, in no case does Longtin disclose a room temperature being controlled in response to a temperature sensed by a thermostat other than the temperature sensed by the thermostat that controls the baseboard. Accordingly, Applicants assert that claims 1and 2 are in condition for allowance.

Claims 4, 8 and 11 stand rejected under 35 USC §103(a) as being unpatentable over Longtin in view of Osann. The Examiner relies on Longtin as disclosing all of the limitations of claims 4, 8, and 11 except for using an average temperature in the system. The Examiner states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Longtin with an average temperature selection in view of Osann. With regard to claims 4 and 8 and with reference to the arguments above with regard to the rejection of claim 1 and 2 over Longtin, the Applicants assert that the Longtin-Osann combination fails to disclose or obviate all of the limitations of claim 1. Accordingly, Applicants assert that claims 4 and 8 are in condition for allowance.

With regard to claim 11 the Longtin-Osann combination fails to disclose the limitation of "communicating the sensed temperatures between selected ones of said multiple thermostats," as required by claim 11. Applicants reassert the above argument that Osann fails to disclose communicating sensed temperatures amongst multiple thermostats and that Osann merely collects sensed temperatures from temperature sensors. Further, Applicant points out that Longtin also fails to disclose communicating sensed temperatures amongst multiple thermostats and reasserts the above argument that Longtin merely communicates temperature setpoints among multiple thermostats rather than communicating any sensed temperatures. Accordingly, Applicants assert that claim 11 is in condition for allowance.

CONCLUSION

The Applicants respectfully submit that the application, in its present form, is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, the Examiner is encouraged to telephone the undersigned at (972) 731-2288. The Applicants intend this communication to be a complete response to the Office Action mailed December 24, 2008. The Commissioner is hereby authorized to charge payment of any fee associated with any of the foregoing papers submitted herewith or any fees during the prosecution of the present case to Deposit Account No. 50-1515, Conley Rose, P.C.

Respectfully submitted,

CONLEY ROSE, P.C.

Date: 3-24-09

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